

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Gaston, et al. v. The Islamic Republic of Iran</i>	1:18-cv-12337 (GBD)(SN) ECF Case

**GASTON PLAINTIFFS' AMENDED MOTION FOR ENTRY OF PARTIAL FINAL
DEFAULT JUDGMENT AGAINST THE ISLAMIC REPUBLIC OF IRAN AS TO
LIABILITY AND DAMAGES**

PLEASE TAKE NOTICE that upon the accompanying declaration of David J. Dickens (“Dickens Declaration”), with exhibits, and the accompanying memorandum of law, Plaintiffs Beatrice Gaston, individually and as Personal Representative of the Estate of Betsy Martinez, Francis Gaston, Maria Gaston, Georgina Gaston, and Ariel Martinez (collectively “Plaintiffs” or “*Gaston Plaintiffs*”), respectfully amend their previously filed motion for entry of partial default judgment [Dkt. No. 55] and move this Court for an Order of judgment by default against the defendant Islamic Republic of Iran (“Iran”) under 28 U.S.C. § 1605A(c).¹ Plaintiffs filed suit against Iran on behalf of Betsy Martinez and served Iran and Iran has failed to plead or defend the case.

Furthermore, Ms. Gaston respectfully moves this Court for an Order awarding (1) solatium and pain and suffering damages for the losses she and her immediate family members suffered as the family members of decedent Betsy Martinez in the same per plaintiff amounts previously awarded by this Court to various similarly situated plaintiffs; (2) prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001, until the

¹ Plaintiffs amend the previously filed motion for partial default judgment for the reasons set forth in undersigned counsel’s letters to this Court on June 21, 2023 [Case No. 18-cv-12337; Dkt. No. 73] and July 6, 2023 [Case No. 18-cv-12337; Dkt. No. 79]. Specifically, Plaintiffs amend the requested judgment award on behalf of the Estate of Betsy Martinez and removes Louis Gaston (deceased) as a party seeking entry of default judgment. All other requests remain the same.

date of the judgment; and (3) permission for non-moving Plaintiffs to seek default judgment and damages at a later date, including any other *Gaston* Plaintiffs that are not seeking entry of default judgment in this motion.

Dated: July 10, 2023

Respectfully submitted,

/s/ David J. Dickens

David J. Dickens
The Miller Firm LLC
108 Railroad Ave
Orange, VA 22960
Tel: 540-672-4224
Fax: 540-672-3055
Email: ddickens@millerfirmllc.com

Counsel for Plaintiffs